IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 10668 of 1999

Between:

1. Naxdimpalli Sri Rama Raju, S/o Venkat Suryanarayana Raju, aged 50 years. R/o Dosapadu Village, Denduluru Mandal,

W.G.District.
2. Guduri Subba Lakshmi, W/o Srinivas Suryanarayana Raju, Aged 30 years, R/o Dosapadu Village, Denduluru Mandal,

W.G.District.
3. Sagi Sudheer, S/o Raghunatha Raju,Aged 35 years, R/o Dosapadu Village, Denduluru Mandal, W.G.District.
4. Penumatsa Parvathi, D/o Gopala Krishnam Raju, Aged 22 years, R/o Dosapadu Village, Denduluru Mandal,

W.G.District.
5. Nadimpalli Satyavathi Devi, W/o Sri Rama Raju, Aged 42 years, R/o Dosapadu Village, Denduluru Mandal,

W.G.District.
6. Penumatsa Rajeswari, S/o Arjun Raju, Aged 40 years, R/o Dosapadu Village, Denduluru Mandal,

W.G.District.
7. Penumatsa Praveen, S/o Gopala Krishnam Raju, Aged 26 years, R/o Dosapadu Village, Denduluru Mandal,

W.G.District.
8. Devineni Baji Prasad, S/o Siva Rama Krishnaiah, Aged 40 years, R/o Dosapadu Village, Denduluru Mandal,

W.G.District.

9. Penumatsa Gopala Krishnam Raju, S/o Rajam Raju,
Aged 50 years, R/o Dosapadu Village, Denduluru Mandal,

W.G.District.

..... PETITIONER(S)

AND

1 The District Collector,
Eluru, E.G.District.
2 The Revenue Divisional Officer,
Eluru, E.G.District.
3 The Mandal Revenue Officer,
Denduluru Mandal, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly in the nature of Writ of Mandamus, declaring the action of the respondents in preventing the petitioner from converting their agricultural lands into fish tanks as violative of Art. 19(1)(g), 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the petitioners right to use their lands as fish tanks in Sy. Nos. 209, 209, 210/2/2.D, 210/2/2E, 210/2/2.F, 209, 209, 210/2/2A, 209, 210/1/2.A, 209, 210/2/2A,210/1/2A and 210/2/2.C, 210/2/2.B, 182/2, 210/2/2.A, 210/1/2.A, 216/4, 210/1/2A and 210/1/2B, of an extents of Ac. 1.25, 1.33, 0.25, 0.28, 0.55, 1.25, 4.90, 4.90, 4.83, 0.07, 4.90, 4.90, 4.66, 2.19, 0.37, 0.93, 3.49, 2.53, 0.43, 4.90, 7.36, 5.00, 3.40 and 1.50 cents respectively situated at Dosapadu (V), Denduluru Mandal, W.G.District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.BADRI.VENKATA REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners, who are the absolute owners of the land, intended to

convert the same from agriculture land into fish tanks, as they sustained losses in agriculture and also encouraged by the policy of the Government of Andhra Pradesh and in view of the fact that the land is outside the purview of coastal regulation Zone and does not cause any environment hazard. The land is also not within the peripheral area earmarked by the government for the purpose of protecting and developing wild life. While so, the respondents are interfering with the petitioners rights and preventing the petitioners from converting the land from agriculture to fish tanks. Therefore, the petitioners came up with the present writ petition.

Consequent on receipt of Rule Nisi, the respondent No.3 filed counter affidavit. Among other contentions, it is stated that there are fish tanks in and around the village but they were dug long before when the tanks were not held objectionable on environment hazard either by the public or Governments. It is further stated that village adjoins Kolleru lake belt and the ryots who felt that their lands are fit and vulnerable to fish tank, resorted to conversion of their lands into fish tanks and that by itself is not a ground for the petitioners to convert their land also into fish tank indiscriminately without regard to the environmental hazard to the public. It is also stated that the contention of the petitioner that for their survival their action of conversion of the land is justified, cannot be accepted, when it is in violation of the Rules in vogue. It is further submitted that as per Board Standing Orders 7(III), the petitioners have not obtained the consent of the adjacent ryots and therefore, they are not entitled to the change of the water course detrimental to the public interest.

Having regard to the fact that previously the ryots who felt that their lands vulnerable to fish tank resorted to conversion of their lands into fish tanks and since the petitioners did not obtain previous consent of the adjacent ryots, as mandated by Board Standing Order 7(III), therefore, at this point of time, without having regard to the environmental hazards, the petitioner cannot resort to convert the land into fish tank, and that by itself, does not confer any right on the petitioner to convert his land into fish tank, more particularly when it is

contrary to the Rules in vogue. For these reasons, the writ petition deserves to be dismissed and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

June 9, 2005

MAS.

To

1 The District Collector,
Eluru, E.G.District.
2 The Revenue Divisional Officer,
Eluru, E.G.District.
3 The Mandal Revenue Officer,
Denduluru Mandal, E.G.District.

4 2 CCs to the Govt. Pleader for Revenue, A.P. High Court

Building, Hyderabad

5 2 CD copies

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